

Entered - 04-23-01- sb  
CL 01L0259 - GWENDOLYN BURNS

CLAIM OF: VANCE L. SCOTT  
580 County Road, 96  
Heflin, Alabama 36264

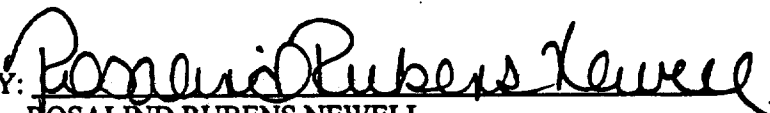
01- R -1394

For vehicular damages alleged to have been sustained as a result of a metal plate that was not properly covering a sanitary sewer construction site on April 5, 2001 at 14<sup>th</sup> Street, NE & Juniper Street, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to VANCE L. SCOTT the sum of \$1,291.18 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a metal plate that was not properly covering a sanitary sewer construction site on April 5, 2001 at 14<sup>th</sup> Street, NE & Juniper Street, NE as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0259

Date: August 26, 2001

Claimant /Victim VANCE L. SCOTT  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 580 County Road 96, Heflin, Alabama 36264  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,291.18 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 4/13/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/5/01 Place: 14<sup>th</sup> Street, NE & Juniper Street, NE  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove over a metal plate that was not properly covering a sanitary sewer construction site in the roadway.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

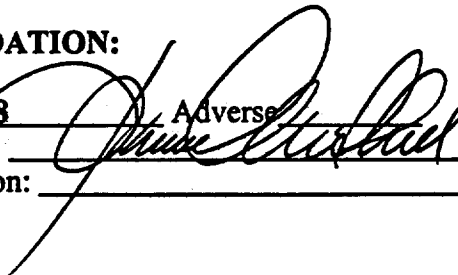
BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,291.18 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-30-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

BURNS  
RE: CLAIM FOR DAMAGES  
Today's Date: 4-9-01

13 2001

Dear Municipal Clerk:

ENTERED - 4-23-01 - SB  
0110259 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1101.37 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 04-05-01 (month/day/year) Time of Incident: 3:00 A.M. 3. Police called: I did call 911 to try to get a tow truck.
4. Location of incident (including street address): 14th & Juniper Street
5. Name of your insurance company: Geico Policy No. 274-46-09
6. State what and how incident occurred: I was traveling on Juniper Street. It was raining and I was driving approx. 25-30 MPH. I hit a pot hole and a steel cone in the road, two tires completely blew and the other 2 were damaged. Also it bent a wheel rim. My car was not driveable and I could not get a tow at that time. I had to stay at the scene!
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: Honda Accord 1994 1BAK104 (Alchem) Vance Scott  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Jennifer Mitchell 4366 Kings Hwy Douglasville 30135 404-966-0526  
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

Vance L. Scott  
(Print Claimant's Name)

580 County Road 96  
(Address)

Heflin, AL 36264  
(City, State and Zip Code)

678-305-1493  
(Work Number)

256-748-23  
(Home Number)

**GENERAL RELEASE AND INDEMNIFICATION**CLAIM NUMBER 011.0259\$ 1,101.37

IN CONSIDERATION of the sum of ONE THOUSAND ONE HUNDRED ONE DOLLARS AND 37/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular incident which occurred on or about the 5th day of April, 2001, at or near 14th Street, NE & Juniper Street, NE

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Vance L. Scott (LS)  
Vance L. Scott

The above release was read and explained to, and signed by the said Vance L. Scott in our presence on the date above written.

Jane [Signature]  
WITNESSES